

**City of Bixby  
City Council Meeting  
Minutes  
City Hall Municipal Building  
116 W Needles, Bixby, OK 74008  
July 11, 2016 6:00 P.M.**

The agenda for the regularly scheduled meeting of the City Council of the City of Bixby was posted on the bulletin board at City Hall, 116 West Needles Avenue, Bixby, Oklahoma on July 8, 2016 on or before 5:00 p.m.

Mayor Easton called the meeting to order at 6:02 p.m.

Yvonne Adams City Clerk called roll and all members were present.

**Members Present**

**Guthrie  
King  
Stewart  
Decatur  
Easton**

**Staff Present**

**Patrick Boulden, City Attorney  
Jared Cottle, City Manager  
Ike Shirley, Police Chief  
Charles Barnes, Finance Dir.  
Bea Aamodt, Public Works Dir.  
Marcae Hilton, City Planner  
Jason Mohler, Dev. Service Dir.  
Yvonne Adams, City Clerk**

**PLEDGE OF ALLEGIANCE**

**Invocation was given by City Clerk Yvonne Adams**

**Mayor Easton said Item #1 on the Consent Agenda is:  
CITY CLERKS REPORT**

Consider and approve:

- a) Minutes for the Regular City Council meeting dated 06/27/16.
- b) Minutes for the Special meeting dated 06/27/16.
- c) Purchasing unleaded gasoline for \$25,000.
- d) Renewal Memorandum of Understanding with The Indian Nations Council of Government (INCOG) in the amount of \$4,215.28.

Mayor Easton asked if there are any questions or amendments to the consent agenda.

Mayor Easton asked for a motion. Councilor Decatur made motion to approve, seconded by Councilor King. The vote was taken with the following results:

Carried 5-0

Yes: Decatur, King, Stewart, Guthrie, Easton.

No: None.

Mayor Easton asked the City Attorney Patrick Boulden to explain to the citizens that have asked to speak on certain agenda items on what the procedures are. City Attorney stated that generally on an issue that is controversial it is allowed 30 minutes for each side and in a particular zoning matter the applicant is allowed to split their time with 20 minutes on one side and reserve 10 minutes for a rebuttal for anybody in opposition to the application. Patrick stated that for those issues that have not been previously heard there is a time limitation and each person is allowed 5 minutes with more than 6 they have to divide their time, or if they have a spokesperson for an issue they can allot their time to the spokesperson on their behalf.

**Mayor Easton said item #1 on the Regular Agenda is:**

Possible action to approve a Preliminary Plat for *ADDISON CREEK* for approximately 29.138 acres in part of Section 02, T17N, R13E, property generally located east of Sheridan and one-quarter to one-half mile north of 131<sup>st</sup> Street.

Presented by: Marcae Hilton

Others that spoke: Rickey Jones Tanner Consultants Justin Morgan Engineer Tanner Consultants, Mark Adams 6626 E. 127<sup>th</sup> St S, Mike Maguffee 6698 E. 127<sup>th</sup> St S

City Planner Marcae Hilton stated that this is the Addison Creek Preliminary Plat and you have heard it previously until today there is no change but the consultants have presented a new plat and we would like for you to take a look at it on the projector.

Rickey Jones Tanner Consultants stated that I don't want to go back over issues concerning hydric, you have heard the issues, what we were asked to do is simply add a 5 ft. reserve area, Reserve "D" on the Northside. Rickey stated that along our Reserve Area "A" which is a utility easement and overland drainage easement we also added Reserve Area "D" a 5ft strip that is also a utility easement and the reason for this strip is in simple terms it's for future consideration, Rickey stated that he does not know what future consideration is and we do think that is one step in advancing the ball down the court and we would like to get our Preliminary Plat approved and there is nothing new that we have done except add that 5ft strip, Rickey stated that it is for future dedication to the Homeowners Association with specific language in there about detailed maintenance in our deed of dedication restrictive covenant allowing for a higher level of maintenance for instance mowing, trimming and those types of things and it creates a 5ft strip that can be done within the future.

Mayor Easton asked Rickey about what degree would be on the maintenance, Rickey explained in detail how the higher level of maintenance would be for this area, also Rickey stated that the reason we are doing this is to keep the discussion on going and we want to work things out as best as we can and be good neighbors which is our intent, we asked you approve the engineering plat and let us proceed with our engineering drawings.

Mayor Easton asked if there was any new information to be discussed from the citizens' that signed up to speak.

Mark Adams 6626 E. 127<sup>th</sup> St. S. stated that I am not here as a representative of the HOA and I am here as a representative to the Seven Lakes neighborhood, Mark stated that the new information on the Preliminary Plat does surprise and alarm me especially when they talk about moving the fence back and I don't understand the reason for doing that and would like more information on this, and if that has access to the bike trail on the east and Sheridan on the west if one of those

usage is for that then it would go right behind my house. Mayor Easton stated that I think the city would allow that. Mark continued to discuss with council his concerns on the new information that was provided, Mark stated that he is still concerned by drainage issues. Justin Morgan from Tanner Consultants spoke on the questions and concerns that Mark and the council asked regarding drainage issues.

Mike Maguffee 6698 E. 127<sup>th</sup> St. S. stated that thank you for the opportunity to come speak to you this evening, I have had an opportunity to speak with the Planning Commission and respect the fact that at two previous meetings that they elected again to defer that there needs to be some things worked out. Mike stated that he just got in this morning and didn't want to talk about technical issues but I am concerned as Mark stated that the only concession that has been made is from 115 feet easement to 110 feet easement and we added 5ft more space or maintenance, Mike continued to explain about the mowing that had been done once by the city and the homeowners had maintained it previously, Mike stated that he has asked the council to that when the property was transferred to the current builder they threatened to put a barbed wire fence in there after there was a lot of concern from the homeowners they put a wire fence up just 2 inches from the fences that previously there. Mike asked if he could present his slides for the projector so council could view some of his concerns and discussed some issues regarding lack of information on the city website.

Mayor Easton stated that this is one of those times that being a councilor is really rough, and I am going to make a motion to approve this plat and I am going to tell you why. Mayor Easton stated that this has been before a court of law and in that court of law who ever file the lawsuit did not establish the burden show that the folks that made the fraudulent representation to the folks at Seven Lakes was not a part of the new development and I don't know how we can forget that. Mayor Easton stated that obviously someone represented the greenbelt to you folks fraudulently and hope you figure it out who it is and I hope they pay you dearly for it, but you haven't established it's the new developers. Mayor Easton stated that the erosion issues and I am very proud of our confident staff and I can't see our staff allowing any kind of erosion problem to be created out there or any kind of drainage problem. Mayor Easton stated to the developers I do like the increase maintenance idea and I do think and I would condition my motion on that, I saw the plat the first time and it had houses back to back to the existing houses and that is gone in this plat and my fear is that we had another addition that was present as one thing and it ended up being something else and the lots got smaller and houses got smaller and here we are looking at \$500 thousand price point homes and I am afraid if we don't get this deal what are we going to be looking at next, so I am prepared to make a motion to approve this plat and condition that on the increase maintenance.

Mike Maguffee stated that this could be an idea place for Patriot Park, I would like to see the City of Bixby, the developer and others come down here to cut the ribbon to Patriot Park in Bixby Oklahoma and nobody would come out a loser in that and everybody would be a winner.

Mayor Easton asked for a motion to approve the plat on contingency of maintenance and also drainage and erosion will come before council, seconded by Vice Mayor Guthrie. The vote was taken with the following results:

Carried 3-2

Yes: Easton, Guthrie, King.

No: Stewart, Decatur

**Mayor Easton said on Item #2 on the Regular Agenda is:**

Consider and take action on Ordinance No. 2195, amending Ordinance No. 272, pursuant to application **BZ-341, rezoning an** unplatted parcel **from AG (Agriculture) to CS** (Shopping Center District), for approximately 3.69 acres in part of Section 23, T17N, R13E, 7402 E. 151<sup>st</sup>, Street, generally located south of 151st Street and about ½ mile west of Memorial. Action includes separate approval of an Emergency Clause

Presented by: Marcae Hilton

Others that spoke: JR Donaldson representing property owner

City Planner Marcae Hilton stated that the Bixby Planning Commission heard this as a public hearing at the recent scheduled meeting on June 20, 2016 it is re-zoning BZ-341 they basically had two undeveloped parcels and part of their June 20 hearing was a lot split and was approved by the Planning Commission and they are asking tonight for approval of the zoning to be changed from AG (Agriculture) to CS (Shopping Center District), there was several condition and the applicant is present to answer any questions you may have and staff does recommend approval of BZ-341 with the conditions listed.

JR Donaldson stated that he is here representing the property owners, JR stated that the property owner has this piece at one time a part of a larger piece of property known as Conrad's farms and the owner is asking for council to consider rezoning so that the property can be remarketed for commercial purposes.

Mayor Easton asked for a motion on Item #2. Councilor Stewart made motion to approve, seconded by Mayor Easton. The vote was taken with the following results:

Carried 5-0

Yes: Stewart, Easton, Decatur, King, Guthrie.

No: None

Vice Mayor Guthrie left the council chamber at 6:55 p.m. before this item was read.

Mayor Easton stated that we forgot to vote on the Emergency Clause on Item 2 and would like to take stop on Item #3 and go back to vote on that item.

Emergency Clause

Mayor Easton asked for a vote on the Item #2 Emergency Clause. Councilor Stewart made motion to approve the Emergency Clause, seconded by Councilor Decatur. The vote was taken with the following results:

Carried 4-0

Yes: Stewart, Decatur, King, Easton.

No: None

**Mayor Easton said on Item #3 on the Regular Agenda is:**

Discussion and consideration to approve a **Comprehensive Plan Amendment (BCPA-15), PUD 93, and rezoning (BZ-389) from RS-1 to OL** for property located at the 7700:8000-block of E. 118<sup>th</sup> St. S

Presented by: Marcae Hilton

Others that spoke: JR Donaldson, Lee Crowl 11702 S. 75<sup>th</sup> E. Ave

City Planner Marcae Hilton stated that this project is located west of Memorial and one half mile south of 111<sup>th</sup> St. Marcae explained that at the Planning Commission Meeting there was estimated about 7 people and the primary concerns are increased traffic to the residential area, also a blanket PUD which could allow unwanted development into the area and the overall protection of the residences, there are three parcels Lot 11 Block 7 which is part of the amended plat of Block 7 North Heights Addition is about half acre and is zoned RS and looking to change that to BZ-389.

Mayor Easton called for a 5 minute recess at 7:00 p.m.

Mayor Easton reconvened at 7:05 p.m.

Marcae continued by stating that Items 3 and 4 are connected and will be voted for separately and are about the same parcels they are BCPA-15, PUD 93, and BZ-389. Marcae explained that this is located just North of Jiffy Lube on Memorial and one of the change is because this is a Comprehensive Plan and Staff is requesting along with the applicant for a medium/low intensity plus residential, Marcae explained the staff report that was handed out to council to follow the chart. Marcae read what the Planning Commission recommend approval as recommended by staff in addition to striking the language allowing use unit 15, 17 and 19.

JR Donaldson explained to council his applicant's reasons for wanting changes. JR stated that with regards to this it is 3 parts one is the Comprehensive Plan which we are requesting to medium intensity and the second part is OL for Lot 11 from residential to OL and the remaining two lots remain CS, and the PUD which you have before you and with regard's the rezoning of the OL it would complement with the property across the street and we believe the Jiffy Lube has been a very good neighbor and business in the City of Bixby and presently building their office across the street and mimic them with not only the size of the property but the use. JR stated that right now we have no contracts on the property and the owner came before this City Council a number of months ago and there was a potential buyer and the car wash is out, but the owner has stated to me since the property across the street is use unit 17 for the Jiffy Lube and they are asking to be allowed on this particular piece of property use unit 17 for the ability for repair and service which is similar to the Jiffy Lube. JR continued to explain what his client was agreeable with staff recommendations, which Council has some question for JR on this particular item. JR asked that the council would approve the Comprehensive Plan the zoning on the one particular piece from residential to OL and PUD with the items that staff has recommended

Lee Crowl 11702 S. 75<sup>th</sup> E. Ave stated that he has lived in the area the gentleman is talking about for 42 years and he is not stating some of the protective conveyance that was written into this and

are upon file in the county court house and likewise go under the plat of 2599, and Lee read council some brief information that he brought with him. Lee stated to council to weight upon these concerns real heavily.

Councilor Stewart asked City Attorney Patrick Boulden if that was a county plat that is being referred to, Patrick stated yes.

Discussion continued on the item.

Mayor Easton asked to table Item 3 until the next Regular Meeting on July 25, 2016.

**Mayor Easton said on Item #4 on the Regular Agenda is:**

First Reading and/or discussion and consideration of an ordinance to amend Ordinance No. 272 to approve a **Comprehensive Plan Amendment (BCPA-15), PUD 93, and rezoning (BZ-389) from RS-1 to OL** for property located at the 7700:8000-block of E. 118<sup>th</sup> St. S. Consideration to approve the Emergency Clause to Ordinance.

Presented by: Marcae Hilton

Mayor Easton asked to table Item 4 until the next Regular Meeting on July 25, 2016.

**Mayor Easton said on Item #5 on the Regular Agenda is:**

Discussion and possible action to approve the Final Plat for *AUTO OASIS CAR WASH* for 1.282 acres in part of the Section 13, T17N, R13E, 15050 Memorial, generally located north of 151st Street and about east of Memorial.

Presented by: Marcae Hilton

Development Services Director Jason Mohler stated that this is the Auto Oasis Car Wash at 151<sup>st</sup> Street and east of Memorial, the project is very similar that you mention at 111<sup>th</sup> and Memorial and this is an existing car wash and they propose to demolish the facility and come back with a brand new drive thru car wash. Jason stated that it is compatible with the abutting and nearby zoning and meets the requirements of land use and objective, so staff recommends approval.

Mayor Easton asked for a motion on Item #5. Councilor Stewart made motion to approve, seconded by Councilor King. The vote was taken with the following results:

Carried 4-0

Yes: Stewart, King, Decatur, Easton

No: None

**Mayor Easton said on Item #6 on the Regular Agenda is:**

Discussion and possible action to approve the a Site Plan for *AUTO OASIS CAR WASH* (BSP 2016-05), for 1.282 acres in part of the Section 13, T17N, R13E, 15050 Memorial, generally located north of 151st Street and about east of Memorial.

Presented by: Marcae Hilton

Mayor Easton asked for a motion on Item #6. Councilor Stewart made motion to approve, seconded by Councilor King. The vote was taken with the following results:

Carried 5-0

Yes: Stewart, King, Decatur, Easton.

No: None

**Mayor Easton said on Item #7 on the Regular Agenda is:**

Consider and take action on Ordinance No. 2192, adopting the 2016 Supplement to the 2006 Bixby City Code, as printed by Sterling Codifiers, Inc. Action includes separate approval of an Emergency Clause.

Mayor Easton asked for a motion on Item #7. Councilor Stewart made motion to approve, seconded by Councilor King. The vote was taken with the following results:

Carried 4-0

Yes: Stewart, King, Decatur, Easton

No: None

**Mayor Easton said on Item #8 on the Regular Agenda is:**

Consider and take action on the adoption of Resolution No. 2016-16, notifying the public of the adoption and publication of the 2016 Supplement to the 2006 Bixby City Code.

Mayor Easton asked for a motion on Item #8. Councilor King made motion to approve, seconded by Councilor Decatur. The vote was taken with the following results:

Carried 4-0

Yes: King, Decatur, Stewart, Easton.

No: No

**Mayor Easton said on Item #9 on the Regular Agenda is:**

City Managers report.

City Manager Jared Cottle we have selected a bond election in August and will hold town hall meetings on the 4<sup>th</sup> and 16<sup>th</sup> of August with newsletters with additional information on those items that we previously approved.

**Mayor Easton said on Item #13 on the Regular Agenda is:**

New Business

There being none.

Adjournment was called at 7:45 p.m.

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MAYOR

ATTEST

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CITY CLERK



**BIXBY PUBLIC WORKS AUTHORITY MEETING**

**Board of Trustees**

**Municipal Building**

**Minutes**

**116 W. Needles, Bixby, OK 74008**

**July 11, 2016 6:00 P.M.**

The agenda for the regularly scheduled meeting of the City Council of the City of Bixby was posted on the bulletin board at City Hall, 116 West Needles Avenue, Bixby, Oklahoma on July 8<sup>th</sup> on or before 5:00 p.m.

Mayor Easton called the Bixby Public Works Authority Meeting to order at 7:45 p.m. all members were present except Vice Mayor Guthrie.

**Members Present**

**King**

**Stewart**

**Decatur**

**Easton**

**Staff Present**

**Jared Cottle, City Manager**

**Patrick Boulden, City Attorney**

**Andy Choate, Police Department**

**Charles Barnes, Finance Dir.**

**Bea Aamodt, Public Works Dir.**

**Marcae Hilton, City Planner**

**Jason Mohler, Dev. Service Dir.**

**Yvonne Adams, City Clerk**

**Mayor Easton said Item #1 on the BPWA Consent Agenda is:**

**CITY CLERKS REPORT**

Consider and approve:

- a) Minutes for Bixby Public Works Authority regular meeting of 06/27/16.
- b) Purchasing unleaded gasoline for \$25,000.
- c) Purchase order for \$50,000 to acquire Neptune AMR meters from HD Supply.

Mayor Easton asked if there were any amendments or corrections to the consent agenda. Mayor Easton asked for a motion on the consent agenda. Councilor Stewart made motion to approve, seconded by Councilor King. The vote was taken with the following results.

Carried 4-0

Yes: Stewart, King, Decatur, Easton.

No: None

**Mayor Easton said on Item #1 on the Regular BPWA agenda is:**

New Business

There being none

Adjournment was called at 7:45 p.m.

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MAYOR

ATTEST

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CITY CLERK